

March 24, 1975

CLERK: 225, Mr. President. Mr. President, LB 225 was indefinitely postponed while under consideration on General File, on March 17th. It appears on page 909 and 910 of the Legislative Journal. Senator Kelly moved to reconsider our action in indefinitely postponing the bill also on March 17th. That motion is now before us.

PRESIDENT: Senator Kelly.

SENATOR KELLY: Mr. President, members of the Legislature, I asked for a reconsideration of LB 225. It was indefinitely postponed through the very persuasive debate of Senator Cavanaugh, in excellent job of misleading the Legislature on the fact that if you do away with the legal liability of the doctor when he's cooperating with Motor Vehicles that some how or other this will change the ethics of the medical profession. It should be noted in the committee statement that the doctors, physicians were requesting this bill in that they do desire to cooperate with the public, the Motor Vehicles Department, and the welfare of their patients in those people who, medically, should not be driving automobiles, their licenses can be revoked. There is nothing in LB 225 that mandatorily says that a doctor shall report and snoop on his patients. We do have mandatory reports from the medical profession, such as communicable diseases like smallpox, or venereal diseases, or gunshot wounds. We all recognize these as ways to protect the public interest. Those people that are driving automobiles that, medically, are dangerous drivers, certainly, are in the public interest. The procedures that are used now and will be used under LB 225 are the physicians of Nebraska working with the physicians that are on the Medical Advisory Board to the Department of Institutions to let those people know of drivers in Nebraska, for the drivers good and the motoring publics good that they are unsafe drivers and their driving license could be revoked. There is an amendment available, from Senator Carsten, that would be of significant help to Senator Cavanaugh's objection, in that this amendment would cause the doctor to notify the patient at the time he notified the medical committee of the Department of Motor Vehicles. I certainly support that amendment. At this time, in summary, it is the considered opinion of the physicians that I have contacted, I'm sure the physicians that you have contacted, that this helps their ethical situation. It will be of benefit to those patients that should not be driving. This will be of benefit to the public. I respectfully request your reconsideration.

PRESIDENT: Senator Fowler.

SENATOR FOWLER: Would Senator Kelly yield to a question?

SENATOR KELLY: Yes sir.

SENATOR FOWLER: Senator Kelly, what would be the mechanism after a report was turned in, by an optometrist or a doctor, that someone had a physical condition that would impair their driving ability? What would be the procedures followed in revocation of the license? I don't see anything in the bill to detail that.